



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Board of County Commissioners

Tuesday, February 21, 2006

9:30 AM

Commission Chamber

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Commission Auditor

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**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

Legislative Analysis

**Board of County Commissioners
Meeting Agenda**

Tuesday, February 21, 2006

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

Item Number(s)

5B	7B
8A1A	

If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

Supplementary Information for the below listed item is provided for your consideration in this legislative analysis.

8L1A

Acknowledgements--Analyses prepared by:
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LEGISLATIVE ANALYSIS

RESOLUTION ACCEPTING THE FINDING OF NECESSITY STUDY FOR THE GOULDS/CUTLER RIDGE AREA AND APPROVING THE PREPARATION OF A COMMUNITY REDEVELOPMENT PLAN.

Office of Community and Economic Development

I. SUMMARY

This item amends Resolution 211-05, which adopted a Finding of Necessity study for the Goulds/Cutler Ridge area, and approved the preparation of a community redevelopment plan for the area. This amendment would expand the previously approved boundaries of the redevelopment area by three square miles.

II. PRESENT SITUATION

The Board of County Commissioners (BCC) directed the County Manager in July 2004 to prepare a Finding of Necessity study as required by the Community Redevelopment Act of 1969 (the "Act") for the Goulds/Cutler Ridge area. The Board adopted the study for this area on March 1, 2005. A subsequent study concluded that slum and blight existed in a three-square-mile area to the south of the original area. This expanded area is adjacent to the previously approved redevelopment area.

The Act authorizes counties and municipalities in the State of Florida to create community redevelopment agencies and to prepare redevelopment plans for certain defined areas. The purpose of these redevelopment projects is to prevent and possibly eliminate the development of slum and blighted areas.

The Act also authorizes the County to delegate redevelopment after a finding has been made determining that slum or blight exists. According to the Finding of Necessity study:

- In the **Goulds/Cutler Ridge** area slum and blight exists in the form of unsanitary and unsafe conditions, and deterioration within the defined area.

III. POLICY CHANGE AND IMPLICATION

In order for the County to proceed with community redevelopment in this area, the Board must adopt the Finding of Necessity report and approve the drafting of a Community Redevelopment Plan.

IV. ECONOMIC IMPACT

On December 5, 2005, the County's Tax Increment and Financing Coordination Committee reviewed the Finding and Necessity reports and recommended its acceptance by the Board.

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V. COMMENTS AND QUESTIONS

None.

LEGISLATIVE ANALYSIS

*ORDINANCE RELATING TO ANNEXATION; PROVIDING EXCEPTION TO
MITIGATION PAYMENT FOR ANNEXATION OF ENCLAVE AREA*

Commissioner Carlos A. Gimenez

I. SUMMARY

This item provides that annual mitigation payments shall not be required as a condition when a municipality seeks to annex an enclave area that is not located in a CBI. This item narrows the amount of enclaves that meet the exception, to enclaves that are not in CBIs.

II. PRESENT SITUATION

- Pursuant to the Miami-Dade County Home Rule Charter, the Board of County Commissioners has the power to enter into contracts and other agreements with municipalities.
- County mitigation fee agreements were first established in 2000 to offset the loss of tax dollars from more affluent communities (donor communities) which are needed to set off the cost of services provided to less affluent communities (recipient communities).
- Miami-Dade County is currently receiving mitigation payments for services provided to areas within county boundaries that have incorporated, such as Cutler Bay, Doral, Miami Gardens, Miami Lakes, and Palmetto Bay
 - Mitigation payment requirements were not in place prior to the incorporation of Key Biscayne, Sunny Isles Beach, Pinecrest, and Aventura.
- The Board has the authority to determine the actual amount of a municipality's annual mitigation payment as well as how the payment will be calculated into the future.

III. POLICY CHANGE AND IMPLICATION

- The proposed legislation provided by Item 7B state:

[I]t is provided, however, that the Board of County Commissioners shall not require annual mitigation payment as a condition of a municipal payment as a condition of a

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municipal boundary change where a municipality seeks to annex an enclave area as that term is defined in Section 20-7(c).

- Pursuant to Section 20-7(c) of the Miami-Dade County Code, an unincorporated enclave is an unincorporated area surrounded on more than eighty percent (80%) of its boundary by one or more municipalities and of a size that could not be serviced efficiently.
- The proposed ordinance restricts the BCC's ability to negotiate mitigation payments when municipalities seek to annex donor enclave areas. The proposed amendment will not mandate mitigation payments as a condition required in annexations for enclave areas.
- Important to note:
 - An amendment was made to this item in the Infrastructure and Land Use Committee stating, [t]he County Commissioners may consider any facts which it deems appropriate. This allows the Board an opportunity to consider enclave area annexations on a case by case basis without the condition requiring annual mitigation payments.

IV. ECONOMIC IMPACT

The County Manager's memo states, that four (4) of the fifteen (15) existing enclaves are currently donor areas providing a loss to the UMSA budget and negative fiscal impact of \$ 1,472,408.

<u>Enclave Area (Donor)</u>	<u>Net Revenue Loss to UMSA Budget</u>
1. El Portal	\$ 16,646
2. Hialeah	\$ 64,059
3. High Pines	\$ 1,331,591
4. Opa Locka	\$ 60,112
 TOTAL	 \$ 1,472,408

Important to Note:

- The City of Coral Gables has recognized the High Pines area within their Annexation proposal.

V. COMMENTS AND QUESTIONS

N/A

LEGISLATIVE ANALYSIS

RESOLUTION AWARDING THE PREPAID PHONE CARD VENDING MACHINE AGREEMENTS AT MIAMI INTERNATIONAL AIRPORT TO LATIN AMERICAN ENTERPRISES, INC., AND TO COMMUNITEL/WTN, A JOINT VENTURE; AUTHORIZING COUNTY MANAGER TO EXECUTE EACH AGREEMENT AND ANY RENEWAL, TERMINATION, AND CANCELLATION PROVISIONS CONTAINED THEREIN; WAIVING COMPETITIVE BIDDING AND BID PROTEST PROCEDURES

Aviation

I. SUMMARY

The County Manager recommends awards of non-exclusive phone card vending machine agreements to entities that currently participate in the existing prepaid phone card program.

II. PRESENT SITUATION

There are currently 76 machines operated at MIA. The breakdown by provider is as follows:

Latin American Enterprises, Inc.	27
Communitel, Inc.	22
WTN	27

These providers have been operating prepaid phone cards vending machines at MIA under a test permit program since 1995.

III. POLICY CHANGE AND IMPLICATION

This item would terminate the test permit program. The agreements provide performance and customer service standards as well as itemized list of liquidated damages for non-conforming performance.

The number of machines provided for under each agreement is 20, thus reducing the number of machines from 76 to 40.

IV. ECONOMIC IMPACT

Each agreement requires a Minimum Annual Guarantee (MAG) as follows:

MAG year 1 -- \$250,500.00
MAG year 2 -- \$250,500.00
MAG year 3 -- \$600,500.00

A Performance Bond for MAG, in an amount equal to 100% of the MAG for the first twelve months of operation, is required under these agreements. In addition, as security

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for payments under these agreements each provider will be required to submit a Security Deposit in the form of a cash deposit, certified check, or other form of security in an amount equal to three months of the MAG. The Performance Bond for MAG and Security Deposit are subject to adjustment based on the relevant year of the agreement as well as based on increases of the Consumer Price Index.

V. COMMENTS AND QUESTIONS

Section 3.19 of the agreements provides liquidated damages for non-conforming practices related to performance and consumer standards outlined in Appendix A.

Since the majority of consumer complaints at MIA involve prepaid phone cards, what procedures will MDAD have in place to monitor performance and enforce compliance with above-mentioned standards?

Customer service requirements include:

- ◆ Display of company toll-free number with 24 hour, 365 days a year, to answer questions, resolve complaints, and provide refunds, etc., by actual agent not automated answering service.
- ◆ Display of rates and other relevant information in English and Spanish

MDAD to approve all changes to location of machines.

MDAD reserves the right to add, delete or relocate any vending machine location.

ADDITIONAL INFORMATION

<u>Item#</u>	<u>Subject Matter</u>	<u>Comments/Questions</u>
8(L(1)(A)	Amendments to Administrative Order 3-15 pertaining to Community Based Organizations (CBO) Contracts	<ul style="list-style-type: none">• Administrative Order 3-15 establishes operating methods and administrative policies for Community Based Organizations (CBO)• The Manager was directed by resolution (R-1052-05) to include financial control procedures for CBO's, non-profit organizations and other organization that provide community services.• The minimum financial control procedures include: requirement of the signature of two persons within the organization on all checks disbursing organizational funds, the monitoring department to conduct periodic management evaluations/performance reviews of the recipient use of county funding for contract awards of \$10,000 or more, the monitoring department <u>may</u> conduct random audits on contract awards under \$10,000.• The additional amendments to this AO incorporates language relating to minimum contractual requirements that involve the development of contract documents to be determined by the department and in conjunction with the County Attorney's Office to include: <u>specific program goals and objectives, insurance requirements by Risk Management GSA, all required County affidavits, assurances that organization abide by the generally accepted financial management principles</u> (i.e. two (2) person signature on all checks), <u>provisions of management evaluations/performance reviews, and fund disbursement procedures based on County approved rules and procedures.</u>